



TOWN AND COUNTY OF NANTUCKET

16 Broad Street
Nantucket, MA 02554
Telephone (508) 228-7255
Fax (508) 228-7272

TO: Libby Gibson, Town Manager

FROM: Richard Ray, Health Inspector
Andrew Vorce, Director of Planning
Jeffrey Willett, Superintendent, DPW

RE: Citizen Sewer Articles (#76 to 79)

DATE: February 13, 2008

On December 12, 2007, we conducted a staff level review of four citizen articles using the adopted checklist criteria as our guide. Normally, applicants should fill out the checklist and submit it prior to or, at minimum, when a sewer article extension outside of the identified needs areas and sewer districts is proposed. There are authorization requirements on group applications that require documentation, an issue that will be discussed below. All of the articles failed to advance to the evaluation stage because of missing documentation.

We realize that this is the first year of using the checklist but the intent of the sewer checklist was to prevent random and disorganized requests to Town Meeting. Many of the problems with the warrant articles could have been flagged early in the process had appropriate officials been contacted. Our recommendations on each article follow the discussion below.

Article 76

A similar article was evaluated at last year's town meeting. During that review, the majority of properties failed to achieve the needed seven points of the checklist, most by one or two points. Under the "Failed Septic system" criterion, which is reviewed by the Health Inspector, it was pointed out last year that additional information about subsurface soil types and groundwater should be provided. There has been no further information about the design/construction of the sewer to serve this area submitted to the DPW. While some owners agreed to certain "Special Considerations" last year and received the maximum four points, none have so indicated or signed the form this year.

Although seven of the signers of the warrant article are both voters and resident property owners, there has not been authority granted by all owners (eleven others) included in the

article. In fact, several property owners had stated that they are opposed to inclusion last year and one has stated opposition this year. At least four of these eleven owners are both property owners and voters on Nantucket.

In summary, the warrant article proponents have not submitted an updated checklist form and have therefore not addressed any of the technical issues raised last year and may have included property owners that do not wish to be included. There is no information to update last year's evaluation, which, remaining unchanged would not score the necessary points for inclusion.

Recommendation: No action on this article

Article proponents should submit completed checklists with appropriate documentation.

Article 77

This article proposes to include three properties owned by the article's lead proponent into the sewer district. The article does not conform to evaluation because the subject land is:

- (1) already within the district (22 Brewster); and
- (2) within the Monomoy "needs area", where sewer extensions have already been planned for once they are designed.

It is premature to extend the sewer district to the two properties as they will eventually be served by a comprehensive system for the general Monomoy area.

Recommendation: No action on this article

Article 78

This article proposes the addition of an assortment of properties at the edge of the sewer district along Westchester Street. Portions of some of these properties are included in the existing district.

In order for the properties of the article to be evaluated, two basic criteria regarding "Capacity" must be met or the application is disqualified. One of these is that "adequate infrastructure is available to meet added demand as certified by the Sewer Commissioners /DPW" and on this point the application fails. The sewer lines in Westchester Street are privately controlled force mains and there is no evidence of permission by the owners of this infrastructure to allow additional connections.

Recommendation: No action on this article

Article proponents should meet with the DPW Director regarding infrastructure.

Article 79

Hawks Circle, containing eleven properties, would be included in the Siasconset sewer district if this article were approved. Concerning the checklist, the proposal fails due to the fact that there is no additional capacity in the Siasconset sewer district. Unlike the Surfside Wastewater Treatment area sewer district, there has been no action, such as open space acquisitions or zoning changes, which have freed additional capacity in Siasconset.

There is however an extensive history predating the establishment of the sewer district that affects this area. These extenuating circumstances should be examined in addition to the checklist criteria alone in the reviewers' opinion.

The Hawks Circle subdivision, dating from the early 1990s, was required by the Planning Board to install sewer lines and connect all buildings within the subdivision when the sewer became available. A request for sewer extension was apparently lost by the State and therefore the sewer district creators omitted the area because sewer was not available at that time. Properties on both sides of the subdivision, with similar sized lots and within the same zoning district, are part of the sewer district and there are no factors which would otherwise prevent this area from connecting to the adjacent sewer line. This case is similar to exceptions made for properties adjacent to the Compass Rose/Abrem Quarry 40B project at Field and Folger Avenues last year.

Recommendation: Positive action on this article

Please contact us if you have any questions or need further information.